

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

| | | |
|--------------------------|---|-------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | Case No. 1:06-cr-39 |
| |) | |
| vs. |) | JUDGE EDGAR |
| |) | MAGISTRATE JUDGE CARTER |
| |) | |
| ERNEST W. DUDLEY |) | |

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count Three; (2) accept Defendant's plea of guilty to Count Three of the Indictment; (3) adjudicate Defendant guilty of the charges set forth in Count Three of the Indictment; and (4) find Defendant shall remain in custody until sentencing in this matter [Doc. No. 26]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. No. 26] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count Three is **GRANTED**;
- (2) Defendant's plea of guilty to Count Three of the Indictment is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count Three of the Indictment; and
- (4) Defendant **SHALL REMAIN** in custody until sentencing in this matter.

SO ORDERED.

ENTER:

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE